

1632

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Typed or Printed Name Kimberly W. Zuehlke

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*Kimberly W Zuehlke*

Date

22 August 2000

**NON FEE  
TRANSMITTAL**

Note: Effective October 1, 1998.  
Patent fees are subject to annual revision.

Attorney Docket Number

AERX-061

First Named Inventor

Igor Gonda et al.

Application Number

09/330,903

Filing Date

June 11, 1999

Group Art Unit

1632

Examiner Name

R. Schnizer

Title: *Methods of Delivering Aerosolized Polynucleotides to the Respiratory Tract*

Enclosed are the following documents:

- Amendment (12 pages)
- Return Receipt Postcard

## CLAIMS

No. of claims as filed or after amendment		Most claims previously paid		Extra claims		Fee from below		Fee Due
Total claims	20	-	20	=	x	=		0
Ind. claims	3	-	3	=	x	=		0
Multiple Dependent claims					x	=		0
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description				
103	18	203	9	Claims in excess of 20				
102	78	202	39	Independent claims in excess of 3				
104	260	204	130	Multiple dependent claim				
109	78	209	39	Reissue independent claims over original patent				
110	18	210	9	Reissue claims in excess of and over original patent				

## SUBMITTED BY

Complete (if applicable)

Typed or Printed Name Karl Bozicevic, BOZICEVIC, FIELD & FRANCIS LLP

Reg. Number

28,807

Signature

*Karl Bozicevic*

Date

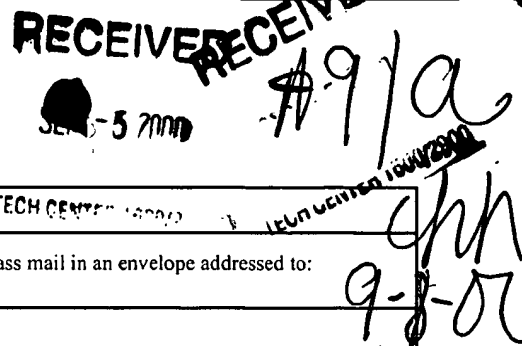
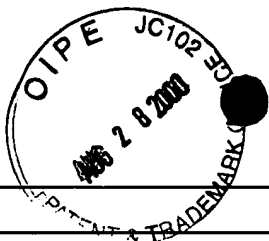
Aug 22, 2000

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Typed or Printed Name	Kimberly W. Zuehlke		
Signature	<i>Kimberly W. Zuehlke</i>	Date	22 August 2000

<b>AMENDMENT UNDER 37 C.F.R. §1.111 RESPONSIVE TO PAPER NO. 8</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket	AERX-061
	First Named Inventor	Igor Gonda et al.
	Application Number	09/330,903
	Filing Date	June 11, 1999
	Group Art Unit	1632
	Examiner Name	R. Schnizer
	Title: <i>Methods of Delivering Aerosolized Polynucleotides to the Respiratory Tract</i>	

Sir:

This amendment is responsive to the Office Action dated May 23, 2000, for which a three-month period for response was given making this response due on or before August 23, 2000. Accordingly, this response is timely filed.

In view of the remarks put forth below, reconsideration and allowance are respectfully requested.

### I. AMENDMENTS

#### IN THE CLAIMS:

Please amend the claims 1-4, 8, 17 and 20 as shown below.

1. (Amended) A method of delivering a polynucleotide preferentially to a specified region of a respiratory tract in a mammalian subject, comprising:

(a) aerosolizing a formulation comprising a polynucleotide, thereby forming aerosolized particles, while controlling a particle size of the aerosol particles to have an aerodynamic diameter range designed to travel to an end location in the airways selected from end locations consisting of the upper respiratory tract, the central airways, and the alveoli [having an aerodynamic diameter related to the diameter of airways in an area of a respiratory tract]; and